

REMARKS

In the non-Final Office Action of September 8, 2005, the Examiner provisionally rejects claims 1, 5 and 8 under the judicially created doctrine of double patenting over claims 1, 5 and 8 of copending US Patent Application 09/768,068. Claims 2-4, 6, 7, and 9-13 are objected to as being dependent on a rejected base claim.

Claims 1-21 and 23 are pending. Applicant respectfully notes that the Office Action Summary indicates that claims 1-22 are pending in the instant application. Applicant believes that the Office Action Summary should have indicated that claims 1-21 and 23 are pending in the instant application.

Applicant notes with appreciation the indication by the Examiner that claims 14-21 and 23 have been indicated as being allowable.

Double Patenting Rejections

Claims 1, 5 and 8 are provisionally rejected under the judicially created doctrine of double patenting over claims 1, 5 and 8 of copending US Patent Application 09/768,068.

While not acquiescing in the Examiner's position but to expedite prosecution, Applicant submits herewith a terminal disclaimer in response to the above rejection. Withdrawal of the provisional double patenting rejection of claims 1, 5, and 8 is respectfully requested.

Claims 2-4, 6-7, and 9-13 depend from claim 1. Claim 1 is believed allowable in view of the terminal disclaimer. Therefore, Applicant respectfully submits that claims 2-4, 6-7, and 9-13 are also in condition for allowance.

Conclusion

In view of the foregoing remarks, Applicant respectfully requests the Examiner's reconsideration of this application and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,
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